



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Takayuki NIMIYA, et al.

Application No.: 09/986,190

Filed: November 7, 2001

For: BUILDING METHOD OF OVERHEAD INFRASTRUCTURE

Attorney Docket No.: OGW-0203

Examiner: R. Watson

Art Unit: 3723

Confirmation No. 4895

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria Virginia 22 313-1450

Sir:

In response to the Restriction Requirement dated September 10, 2003, Applicants provisionally elect Group II, claims 2, 3, 4 (2), 4 (3), 5, 6 (2) and 6 (3) with traverse.

Examiner points out that while the invention of Claim 1 consists in a process of making an overhead infrastructure, that of Claims 2 and 3 does in a process of using an overhead infrastructure. The applicant points out, however, that each of the Claims 1 to 3 is drawn to a method of building an overhead infrastructure comprising or including both of a process of making and a process of using an overhead infrastructure: In greater detail, the Claim 1 includes a step of making a basic construction and also a step of using the basic construction namely utilizing the basic construction and thereby extending an overhead line in an empty space of an overhead cableway on demand. With Claims 2 and 3, they depend on Claim I and define the step of use in further specification, namely specific embodiments of the step of use of Claim 1.

Thus, it is respectfully submitted that there hardly lies a ground whereby the Claims of the present application should necessarily be divided into Groups I and 11.

RECEIVED
OCT 10 2003
TECHNOLOGY CENTER R3700

admission
of
this
claim
is
made
in
response
to
the
restriction
requirement
dated
September
10, 2003.

Furthermore, it is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search of the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP 803 which is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions" (emphasis added).

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Dated: October 9, 2003

Respectfully submitted,



David T. Nikajido
Registration No. 22,663

Carl Schaukowitch
Registration No. 29,211

RADER, FISHMAN & GRAUER, PLLC
1233 20th Street, N.W., Suite 501
Washington D.C. 20036
Tel: 202-955-3750
Fax: 202-955-3751
Customer No. 23353

DC135805